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SUBJECT: OSCE PERMANENT COUNCIL: STATEMENT ON DISCUSSION
OF HUMAN RIGHTS RECORDS IN THE OSCE

1. (U) Post is authorized to present the following statement at the Permanent Council meeting in Vienna when appropriate. The Department suggests that, in the interest of brevity, that Post drop the bracketed text when delivering this statement in the Permanent Council. Post may, at its discretion, include that text in a longer written submission.

Begin text:

Madam Chairwoman,

At the January 22 meeting of the Permanent Council, we embarked on an important and relevant discussion. The distinguished Russian Ambassador, repeating his charge of double standards in the OSCE asked why we bring up human rights violations in the emerging democracies east of Vienna while ignoring those in the developed democracies west of Vienna.

This discussion addresses our OSCE obligation to hold ourselves accountable to meet our common OSCE commitments. Human rights violations occur in all of our countries, both east and west of Vienna. When they do occur, or when we believe they have occurred, it is our duty to raise the issue and ask the State involved for an explanation. We welcome and encourage the Russian Federation and others to inquire about human rights violations that occur in the West. And we are the first to admit, human rights abuses do occur in the U.S. and all countries, East or West.

A mature democratic system, however, ultimately is self correcting. It may take time, but given a vibrant civil society, independent media, an independent legislative branch, free and fair elections, a system where power is not overly concentrated, and strict adherence to the rule of law where the law is consistent with international standards and commitments, errors will be corrected, with or without international attention. The OSCE commitments covering each of these essential aspects of a democratic system are designed, in part, to help build a vibrant, self-correcting, open and democratic system of government. So the most important question when an abuse occurs is not one of geography, but rather whether participating State in question is meeting, and has a track record of meeting, its OSCE human dimension commitments.

(When a protester is arrested in an OSCE participating State that has a track record of meeting its OSCE commitments, we can have reasonable assurances that in that State:

- permission for peaceful protests and assemblies, are routinely granted with minimal bureaucratic procedure and maximum flexibility and even when unsanctioned, are rarely broken up by police; and
- the media were able to freely observe and report on the events with no government or police guidance or interference (as, we note, is the case with all of the instances cited by our Russian colleague today);

If brought to trial, we have reasonable certainty that:

- the judge will be independent of the police and the authorities;
- the proceeding will be open to the media, NGOs and other interested parties; and
- laws will be applied fairly, consistently and without prejudice.

After the judicial proceedings and irrespective of whether the protester was convicted or acquitted, we have reasonable certainty that:

- they will not be expelled from school or fired from their job for participation in a demonstration;
- they will not be drafted into the military;
- they will not be prohibited from traveling; and
- they will not be evicted from their apartments;

If the demonstration was organized by an NGO or other civil society group, we have reasonable certainty that:

- it did not need to be registered or given permission by a government authority to organize and work;
- if they wanted to rent premises for headquarters or meeting places, they did not have to rent from the government or seek government permission to rent facilities; and
- outside financial support for the group will not be subject to government restrictions.

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In terms of the media that cover these events, we have reasonable certainty that:

- the newspaper or journal that reported on these events did not need government permission to operate;
- the newspaper or journal will not be required to print in government facilities, to buy their paper from the government or receive government permission to publish;
- distribution channels will be available based on commercial factors with no government interference;
- outside financial support for the newspaper will not be subject to government restrictions; and
- the newspaper or journal will not be shut down for technical violations of tax or other laws.

In terms of the local authorities, we have reasonable certainty that:

- they cannot order tax, health or other inspections of civil society organizations for political reasons, and without legal recourse;
- elected members of local governmental bodies are elected in fully democratic elections;
- elected officials are accountable to their citizens; and executive power is not held in the hands of one individual or clique.)

It was only a few weeks ago in Helsinki when we all recommitted ourselves to the principle that the commitments undertaken in the field of the OSCE human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. Neither should governments treat expressions of concern from their own citizens as threats to their power. Rather, they should use such opportunities to reflect and consider corrective action.

Openly discussing the fulfillment of our shared commitments in the OSCE forum can be a powerful impetus to change and for advancing the sort of systemic changes that are critical for the broader protection of human rights and fundamental freedoms. We have all accepted that we will strive to live up to our shared standards, and that we will accept the scrutiny of our fellow participating States. We therefore welcome a broad discussion of the implementation of OSCE commitments.

Thank you Madam Chairwoman.

CLINTON